



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

H/A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/058,222

01/29/2002

Tsutomu Ohtani

Q68208

2223

7590

08/09/2006

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

HASAN, SYED Y

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,222	OHTANI ET AL.	
	Examiner	Art Unit	
	Syed Y. Hasan	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

(Page 2, para 0025) refers to figure 2, however (page 2, para 0027) has no reference to a figure. All the pointers show a reference to figure 1. "Referring back to figure 1" should be added to this para.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Browne et al (WO 92/22983).

(1) with regards to claim 24, Browne discloses

a method comprising the steps of:

A) playing back a first piece of information among a plurality of pieces of information recorded on a recording medium (figure 6, page 25, lines 24 – 30)

B) preparing a first deletion flag indicating that the first piece of information currently played should be deleted (figure 6, page 25, lines 24 – 30)

C) attaching the first deletion flag to the first piece of information (figure 6, page

Art Unit: 2621

25, lines 24 – 30)

D) generating a list of the plurality of pieces of information recorded on the recording medium except for the first piece of information to which the first deletion flag is attached (figure 6, page 25, lines 24 – 30)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne (WO 92/22983) in view of Cragun et al (US 5561457).

Browne discloses an apparatus for recording a plurality of pieces of information on a recording medium and reproducing information recorded thereon comprising:

a playback unit (figure 1, 100) for reading a selected piece of information from a plurality of pieces of information (figure 6) recorded on the recording medium (figure 1, 104) to play back the selected piece of information (figure 6, page 24, lines 25 – 32)

a flag setting unit (figure 6) for preparing a deletion flag indicating that the selected piece of information currently played should be deleted (figure 6, page 24 - 30) and for attaching the deletion flag to the selected piece of information (figure 6, page 25, lines 24 - 30) further clarifying that the “locked” flag is checked it means that it should not be deleted.

Art Unit: 2621

and

a generating unit for generating a list of the plurality of pieces of information recorded on the recording medium (figure 2, page 24, lines 19 –22) except for the selected piece of information to which the deletion flag is attached (figure 6, page 25, lines 24 -30) further clarifying that the “locked” flag is checked it means that it should not be deleted.

Browne discloses all of the subject matter above, except a response to a deletion command issued while the playback unit is playing the selected piece of information

Cragun et al in the same field of endeavor teaches response to a deletion command issued while the playback unit is playing the selected piece of information (figure 1, 106, column 9, lines 19 - 25) in order to “permitting the viewer to interactively input information while a television program is simultaneously being displayed on display 106”

It is desirable to issue a deletion command issued while the playback unit is playing the selected piece of information. This enables the viewer to simultaneously interact with the system and the memory. It allows the user to change settings while watching the current program. This increases the ability of a viewer of televised information to locate information of interest from among a plurality of channels and/or programs.

Therefore it would have been obvious to one of the ordinary skill in the art at the time the invention was made to set up a procedure to issue a deletion command while the playback unit is playing the selected piece of information as taught by Cragun et al

Art Unit: 2621

in the invention of Browne in order to ensure uninterrupted viewing of the playback while a deletion command is issued.

(2) with regards to claim 2, Browne discloses :

the apparatus according to claim 1 further including a control unit for rendering a recording area of the selected piece of information to which the deletion flag is attached (figure 6, page 25, lines 24 – 27) further clarifying that the “locked” flag is checked it means that it should not be deleted, , overwritable when a remaining recording capacity of the recording medium is less than a predetermined capacity (page 25, lines 30 – 33, and page 26, lines 1 - 4) which provides “alerts” when storage capacity is reached.

(3) with regards to claim 3, Browne discloses :

the apparatus according to claim 1 further including an operation unit having a deletion button for issuing the deletion command (page 30, lines 28 – 29, and 32 - 33)

(4) with regards to claim 4, Browne discloses :

the apparatus according to claim 1, wherein the generating unit generates a confirmation message before the deletion command is issued (page 25, lines 30 – 34, and page 26, lines 1 - 4), further clarifying that the confirmation message is in the form of an “alert” to the user before deletion.

(5) with regards to claim 5, Browne discloses :

the apparatus according to claim 1, wherein the selected piece of information remains recorded on the recording medium even after the deletion flag is attached to the selected piece of information (figure 6, page 25, lines 24 – 30), here information is

Art Unit: 2621

recorded even though the deletion flag is tagged.

(6) with regards to claim 6, Browne discloses

the apparatus according to claim 1 further including a recycle bin (figure 1, 104) for storing the selected piece of information when the deletion flag is attached to the selected piece of information (figure 6, page 25, lines 24 – 30) whereas the recycle bin is shared storage while the program to be erased is tagged.

(7) with regards to claim 7, Browne discloses

the apparatus according to claim 1, wherein the selected piece of information is physically deleted from the recording medium when the deletion flag is attached to the selected piece of information (figure 3, page 19, lines 25 – 30) at the command of the user, the program is deleted, “erased”

(8) with regards to claim 8, Browne discloses

the apparatus according to claim 1, wherein the recording medium is at least one of a hard disc, a video tape, an optical disc and a semiconductor (figure 1, 104a, page 10, lines 32, and page 11, lines 1 – 3)

(9) with regards to claim 9, Browne discloses

an apparatus for recording a plurality of pieces of information on a recording medium and reproducing information recorded thereon comprising:

a playback unit (figure 1, 100) for reading a first piece of information from a plurality of pieces of information (figure 6) recorded on the recording medium (figure 1, 104) to play back the first piece of information (figure 6, page 24, lines 25 – 32)

Art Unit: 2621

a first flag setting unit (figure 6) for preparing a first deletion flag indicating that the first piece of information currently played should be deleted, (figure 6, page 24 - 30) and for attaching the first deletion flag to the first piece of information (figure 6, page 25, lines 24 - 30) further clarifying that the "locked" flag is checked it means that it should not be deleted.

a second flag setting unit (figure 6) for preparing a second deletion flag indicating that a second piece of information not currently played should be deleted, (figure 6, page 24 - 3) in response to a second deletion command that designates the second piece of information, and for attaching the second deletion flag to the second piece of information (figure 6, page 25, lines 24 - 30) and

a generating unit for generating a list of the plurality of pieces of information recorded on the recording medium except for the first and second pieces of information to which the first and second deletion flags are attached. (figure 6, page 24, lines 25 - 32) further clarifying that the "locked" flag is checked it means that it should not be deleted.

Browne discloses all of the subject matter above, except a response to a deletion command issued while the playback unit is playing the selected piece of information

Cragun et al in the same field of endeavor teaches response to a deletion command issued while the playback unit is playing the selected piece of information (figure 1, 106, column 9, lines 19 - 25) in order to "permitting the viewer to interactively input information while a television program is simultaneously being displayed on display 106"

It is desirable to issue a deletion command issued while the playback unit is playing the selected piece of information. This enables the viewer to simultaneously interact with the system and the memory. It allows the user to change settings while watching the current program. This increases the ability of a viewer of televised information to locate information of interest from among a plurality of channels and/or programs.

Therefore it would have been obvious to one of the ordinary skill in the art at the time the invention was made to set up a procedure to issue a deletion command while the playback unit is playing the selected piece of information as taught by Cragun et al in the invention of Browne in order to ensure uninterrupted viewing of the playback while a deletion command is issued.

(10) with regards to claim 10, Browne discloses

the apparatus according to claim 9 further including a control unit for rendering at least one of a first recording area of the first piece of information to which the first deletion flag is attached (figure 6, page 25, lines 24 - 27) which shows that selected programs can be erased and a second recording area of the second piece of information to which the second deletion flag is attached (figure 6, page 25, lines 24 - 27) over writable when a remaining recording capacity of the recording medium is less than a predetermined capacity (figure 6, page 25, lines 30 - 33, page 26, lines 1-2)

(11) with regards to claim 11, Browne discloses

the apparatus according to claim 9, wherein the generating unit generates a first confirmation message before the first deletion command is issued (figure 6, page

25, lines 30 – 33, and page 26, lines 1 – 4) and generates a second confirmation message before the second deletion command is issued (figure 6, page 25, lines 30 – 33, and page 26, lines 1 – 4) further clarifying that the unit generates an “alert” to notify the user when storage is an issue.

(12) with regards to claim 12, Browne discloses

the apparatus according to claim 9, wherein at least one of the first and second pieces of information remains recorded on the recording medium even after the first and second deletions flags are attached to the first and second pieces of information. (figure 6, page 25, lines 24 – 30) further clarifying that the recorded material is not deleted unless specifically done.

(13) with regards to claim 13, Browne discloses

the apparatus according to claim 9 further including a recycle bin (figure 1, 104) for storing at least one of the first and second pieces of information when the first and second deletion flags are attached to the first and second pieces of information.(figure 6, page 6, lines 24 – 30) whereas the recycle bin is shared storage

(14) with regards to claim 14, Browne discloses

the apparatus according to claim 9, wherein at least one of the first and second pieces of information is physically deleted from the recording medium when the first and second deletion flags are attached to the first and second pieces of information (figure 6, page 26, lines 2 – 4) where the user may “unlock” the program to be erased.

(15) with regards to claim 15, Browne discloses

the apparatus according to claim 9, wherein the recording medium is at least one of a hard disc, a video tape, an optical disc and a semiconductor recorder (figure 1, 104a, page 10, lines 32, and page 11, lines 1 – 3)

(16) with regards to claim 16, Browne discloses

an apparatus comprising:

means for reading a first piece of information from a plurality of pieces of information (figure 6) recorded on a recording medium to play back the first piece of information (figure 6, page 24, lines 25 – 32)

means for preparing a first deletion flag indicating that the first piece of information currently played should be deleted, and for attaching the first deletion flag to the first piece of information; (figure 6, page 25, lines 24 – 30)

generating means for generating a list of the plurality of pieces of information recorded on the recording medium (figure 6, page 25, lines 24 – 30) except for the first piece of information to which the first deletion flag is attached (figure 6, page 25, lines 24 – 30)

Browne discloses all of the subject matter above, except a response to a first deletion command issued while the first piece of information is being played,

Cragun et al in the same field of endeavor teaches response to a first deletion command issued while the first piece of information is being played (figure 1, 106, column 9, lines 19 - 25) in order to “permitting the viewer to interactively input information while a television program is simultaneously being displayed on display 106”

It is desirable to issue a deletion command issued while the first piece of information is being played. This enables the viewer to simultaneously interact with the system and the memory. It allows the user to change settings while watching the current program. This increases the ability of a viewer of televised information to locate information of interest from among a plurality of channels and/or programs.

Therefore it would have been obvious to one of the ordinary skill in the art at the time the invention was made to set up a procedure to issue a first deletion command while the first piece of information is being played as taught by Cragun et al in the invention of Browne in order to ensure uninterrupted viewing of the playback while a first deletion command is issued.

(17) with regards to claim 17, Browne discloses
the apparatus according to claim 16 further including a second flag setting unit for preparing a second deletion flag indicating that a second piece of information not currently played should be deleted, in response to a second deletion command that designates the second piece of information, and for attaching the second deletion flag to the second piece of information, and wherein the generating means generates a list of the plurality of pieces of information recorded on the recording medium except for the first and second pieces of information to which the first and second deletion flags are attached. (figure 6, page 25, lines 24 – 30)

(18) with regards to claim 18, Browne discloses
the apparatus according to claim 17 further including means for rendering

at least one of a first recording area of the first piece of information to which the first deletion flag is attached and a second recording area of the second piece of information to which the second deletion flag is attached over writable when a remaining recording capacity of the recording medium is less than a predetermined capacity (figure 6, page 25, lines 24 – 30)

(19) with regards to claim 19, Browne discloses

the apparatus according to claim 17, wherein the generating unit generates a first confirmation message before the first deletion command is issued and displays a second confirmation message before the second deletion command is issued (figure 6, page 25, lines 30 – 33, page 26, lines 1-2)

(20) with regards to claim 20, Browne discloses

the apparatus according to claim 17, wherein at least one of the first and second pieces of information remains recorded on the recording medium even after the first and second deletions flags are attached to the first and second pieces of information (figure 6, page 25, lines 24 – 30)

(21) with regards to claim 22, Browne discloses

the apparatus according to claim 17 further including a recycle bin (figure 6, 104) for storing at least one of the first and second pieces of information when the first and second deletion flags are attached to the first and second pieces of information (figure 6, page 25, lines 24 – 30)

(22) with regards to claim 22, Browne discloses

the apparatus according to claim 17, wherein at least one of the first and second pieces of information is physically deleted from the recording medium when the first and second deletion flags are attached to the first and second pieces of information. (figure 6, page 25, lines 24 – 30)

(23) with regards to claim 23, Browne discloses

the apparatus according to claim 16, wherein the recording medium is at least one of a hard disc, a video tape, an optical disc and a semiconductor (figure 1, 104a, page 10, lines 32, and page 11, lines 1 – 3)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawler et al (US 5805763) discloses system and method for automatically recording programs in an interactive viewing system.

Goldwasser et al (US 5241428) discloses a video recorder and playback device allowing simultaneous recording and playback.

Ottenson et al (US 5778135) discloses a system and method for editing program material to provide viewers with real time editing control.

Kanda (US 5930446) discloses a recording and reproducing apparatus that can simultaneously perform a recording operation and a reproducing operation for reproducing a video signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

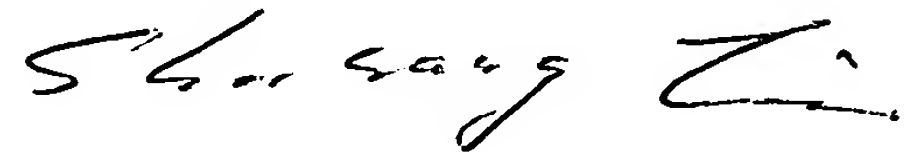
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S Y H

07/19/2006



SHUWANG LIU
SUPERVISORY PATENT EXAMINER